

COUNCIL COMING ATTRACTIONS



Week of July 10, 2017

Public Campaign Financing, Bethesda Overlay Zone, Hotel Lifeguards, Rock Spring Master Plan, and Opioid Report




Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

Also the Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

 On July 11, the Council session will begin at 9:30 a.m.

COUNCIL

-  Expedited Bill 25-17, Elections – Public Campaign Financing – Amendments
The Council is scheduled to introduce Expedited Bill 25-17. Councilmembers Navarro, Katz, Riemer, and Elrich are the lead sponsors. A public hearing is scheduled for July 18 at 1:30 p.m. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5032&meta_id=140983.
- In 2014 the Council enacted Bill 16-14, Elections – Public Campaign Financing, which established the first public campaign financing system in Maryland. The law designates the Maryland State Board of Elections to certify candidates and generally administer the public campaign financing system. The Director of Finance is responsible for establishing a Public

Election Fund and distributing the public contributions to certified candidates. The Council has appropriated approximately \$11 million for the Public Election Fund.

- In June the Government Operations and Fiscal Policy (GO) Committee received an update on the status of the public campaign finance system from David Crow, Department of Finance, and Jared DeMarinis, Director - Division of Candidacy and Campaign Finance for the State Board of Elections. The Committee discussed several issues that have arisen as the system goes through its initial election. The Committee decided to introduce legislation to resolve these outstanding issues for the 2018 election cycle. Expedited Bill 25-17 would resolve these issues.
- Expedited Bill 25-17 would:
 - permit a candidate to correct a mistake in an application for certification within a certain time;
 - clarify that a candidate may receive a matching public contribution during the general election for certain unmatched qualifying contributions received during the primary election; and
 - permit a candidate to use unspent funds returned to the County after an election as a credit against any repayment required for a public contribution mistakenly received.



Zoning Text Amendment 16-20, Overlay Zone – Bethesda

The Council is scheduled to review of ZTA 16-20. The lead sponsor is Councilmember Floreen at the request of the Planning Board. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5032&meta_id=140987.

ZTA 16-20 was introduced at the request of the Planning Board to implement the Bethesda Downtown Plan as proposed by the Board. The Council's approved changes to the Bethesda Downtown Plan warrant changes to the proposed overlay zone. Staff has amended the ZTA to mirror the changes made by Council to the Bethesda Downtown Plan. The Planning, Housing and Economic Development (PHED) Committee recommends approval of ZTA 16-20 with amendments for consistency with the Bethesda Downtown Plan along with the following recommendations:

- Density
(The Bethesda Downtown Plan recommended density above the mapped zone limits.)
 - Rename "Bonus Density" to "BOZ Density"; BOZ Density is a variable number depending on the status of approved projects.
 - Allow BOZ density to be used for either commercial or residential land use; it may be added to either commercial or residential gross floor area as allowed by the underlying zone.
 - In calculating BOZ Density remaining, all approved and existing development should be counted against the 32.4 million square foot floor area cap. (Vote was 2-1. Councilmember Riemer wanted to reserve some capacity for the approval of standard method projects within the cap.)
 - Exclude a property's mapped density from BOZ Density; the use of a property's mapped density is not subject to a Park Impact Payment.
 - Density transfers within the Bethesda Downtown Area are not included in BOZ Density and to the extent of the transfer, are not subject to a Park Impact Payment.
- MPDUs
(The Bethesda Downtown Plan recommended 15% MPDUs as a base requirement.)
 - Exempt all gross floor area used for MPDUs from the Park Impact Payment. (Vote was 2-1. Councilmember Riemer was opposed.)
 - Exempt all the all floor area in projects with 25% MPDUs (market rate and MPDUs) from the Park Impact Payment.

- Allow additional building height over the mapped height for projects with at least 17.5% MPDUs (Vote was 2-1. Councilmember Riemer was opposed and favored a restricted area for allowing height above the height approved for the underlying zone.)
 - Only allow public benefit points for MPDUs above 15%.
 - Reduce the number of public benefit point categories required by one for projects with more than 15% MPDUs.
 - Eliminate the number of public benefit point categories for a project with 20% MPDUs but still require exceptional design points and energy generation points in the High Performance Area.
 - Increase the public benefit points allowed for MPDUs to 15 points for every 1% increase over 15% MPDUs.
 - Revise the MPDU requirements so that it only applies to projects with 20 or more dwelling units.
- **Public Benefit Points**
(The Bethesda Downtown Plan recommended no points for transit proximity.)
- Increase the public benefit points allowed as follows:

Through Block Connection	30
Streetscape Improvement	30
Dwelling Unit Mix	20
Architectural Elevations	30
Exceptional Design	30
Public Open Space	30
Public Art	20
Tower Setback	20
Cool Roof	15
Energy Conservation	25
Vegetated Area	15
Vegetated Roof	20
 - Allow a public benefit point for affordable rents with the ability for DHCA to include income limits in affordable rent agreements.
 - If the Park Impark Payment exceeds the minimum required, the Committee recommended the following formula to calculate points:
The number of public benefit points that the Planning Board may grant is determined by dividing the amount of the payment greater than the required payment by the product of the required payment amount times 100.
- **Other Issues**
- Require the Design Advisory Panel to be comprised of independent professionals.
 - Prohibit surface parking as a primary use when density is transferred off the site. (Vote was 2-1. Councilmember Floreen did not recommend any use restriction.)
 - Do not require restrictions on land use when a project's access is from a residential street.
 - Add the following provision from page 151 of the Planning Board draft plan:
Any project whose open space requirement is 10% or less may be required to make an improvement or contribution to off-site public open space under Section 6.3.6.C instead of providing the open space.
 - No revision to the zone is necessary to the public benefit points required for small projects.
 - Refer to the base minimum parking required in the current code to determine the parking requirements.
 - No revision to the zone is necessary to require that the "greenway" in private ownership should be treated as "public open space".
 - No revision to the zone is necessary to increase loading areas as that will be a site plane issue.

- Delete the provision to require applicants to notify the Planning Department about actions taken by the Department of Permitting Services.

COMMITTEE



Expedited Bill 16-17, Swimming Pools-Lifeguards-Amendments

On July 10 at 9:30 a.m. the Health and Human Services (HHS) Committee will review Expedited Bill 16-17. Councilmember Katz is the lead sponsor. Councilmembers Floreen and Elrich and Council President Berliner are cosponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5956&meta_id=140947.

Expedited Bill 16-17 would exempt certain public pools at certain facilities from the requirement to have a lifeguard on duty when the pool is open for use; require exempted public pools to meet certain criteria, including posting certain warning signs; and require exempted pools to have an emergency alert system. Under current law, County hotel pools can only be open for swimming if a lifeguard is present.

- According to Councilmember Katz the County is only one of two jurisdictions in Maryland that require a qualified lifeguard to be on duty to open pools for swimming. This requirement is a burden for the County's hospitality industry that is not faced by neighboring jurisdictions.



OLO Report 2017-11, Prescription Opioids: Prescriber Education and the Maryland Prescription Drug Monitoring Program

The Health and Human Services (HHS) Committee also will review OLO Report 2017-11. The full report can be viewed at:

<http://www.montgomerycountymd.gov/OLO/Resources/Files/2017%20Reports/OLO%20Report%202017%20-11%20Prescription%20Opioids.pdf>.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5956&meta_id=140949.

Opioids are a class of chemically-related drugs that include both legal prescription drugs and illegal drugs such as heroin. Used correctly, prescription opioids are helpful for people suffering from chronic pain or pain from surgery; however, opioids can cause physical dependence. OLO Report 2017-11 responds to the Council's request to examine State and County prescriber education efforts and to review the Maryland Prescription Drug Monitoring Program (PDMP).

- OLO found that while both the County and the State have made investments towards preventing opioid misuse and overdoses in recent years, prescriber education has not been a focus of their efforts. OLO also found that the Maryland PDMP has implemented, or is in the process of implementing, most the recommended practices for maximizing effectiveness.
- OLO found that additional opportunities exist to prevent opioid misuse at the County and State levels. OLO recommends that the Committees discuss the following issues:
 - The County's role in prescriber outreach and education. The County's opioid misuse prevention efforts do not include a prescriber outreach or education component. The Committees may wish to discuss with Executive Branch representatives whether opportunities exist to work with State agencies or local chapters of professional associations to link prescribers with educational resources on opioids and the State's PDMP.
 - State law on prescriber education. Two out of the five Maryland State medical boards have established requirements for licensees to complete continuing medical education specific to proper prescribing as a condition of license renewal. State law prohibits the Board of Physicians from establishing such a requirement. The Committees should review the benefits and drawbacks of requiring mandatory prescriber education, including which groups of practitioners should be included. If the Committees determine that prescriber education should be mandatory, it could work with State legislators and other stakeholders to establish requirements in State law.



Executive Regulation 2-17, Establishing Inspection Fees – Rental Housing

On July 10 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will review Executive Regulation 2-17. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5957&meta_id=140951 .

The proposed regulation sets forth a schedule of fees, and guidelines for assessing those fees, for certain inspections conducted as part of a triennial inspection or an annual inspection of rental housing required under Sections 29-22(a) and 29-22(b) of the Montgomery County Code, and inspections of rental housing conducted as part of a corrective action plan under Section 29-22(c) of the Code.

- These fees are part of the implementation of Bill 19-15, Landlord - Tenant Relations - Licensing of Rental Housing - Landlord-Tenant Obligations, which the Council enacted in 2016. Councilmember Elrich was the lead sponsor. Councilmembers Navarro and Hucker were cosponsors. The bill made several changes to the County's landlord-tenant law to enhance the existing rights of tenants and improving the quality of rental housing through increased inspections.



Rock Spring Master Plan

The PHED Committee also will begin its review of the Rock Spring Master Plan. The Rock Spring Master Plan as submitted by the Planning Board can be viewed at:

<http://montgomeryplanning.org/wp-content/uploads/2017/04/Planning-Board-Draft-Final.pdf> .

The staff report on transportation can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5957&meta_id=140955 .

The staff report on land use can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5957&meta_id=140957 .

- Rock Spring is located in North Bethesda. The Rock Spring Master Plan is bounded by I-270 to the north, Old Georgetown Road to the east, Democracy Boulevard to the south, and Westlake Drive to the west. The central portion of the 535-acre Rock Spring Master Plan area is a typical suburban office park with buildings that are widely dispersed, centered within their large sites, with sizeable setbacks, ample surface and garage parking, and substantial landscaping. West of the office park, across the I-270 spur, the area includes a large regional mall and other retail uses. East of the office park are two retail centers, a multi-family residential complex, and a public high school. Established residential neighborhoods surround the plan area.
- The proposed plan envisions Rock Spring as an employment center that includes new housing, where appropriate, with concentrations of retail at each end of the central spine. New development and redevelopment should focus activity along the proposed central spine. The Rock Spring Master Plan seeks to build on the goals of the previous plan and leverage the inherent strengths of the Rock Spring area through a measured, form-based approach by:
 - Establishing a redevelopment framework that provides greater amenity options and a mix of uses for companies and their employees, as well as residents, both in the short- and long-term.
 - Elevating the North Bethesda Transitway to a high-priority transit corridor.
 - Concentrating new activity, both public and private, along the central spine.
 - Enhancing connectivity between the Rock Spring Plan area and surrounding residential neighborhoods, adjacent parks, and nearby community facilities.
 - Creating linkages between existing trails and green spaces, and establishing new open spaces through redevelopment.



ZTA 17-02, Overlay Zone - Regional Shopping Center

The Planning, Housing, and Economic Development (PHED) Committee also will review ZTA 17-02. The lead sponsor is Council President Berliner, at the request of the Planning Board. ZTA 17-

02 would allow a building with residential uses up to a height of 150 feet in a Regional Shopping Center Overlay zoned area. The proposed ZTA would implement the recommendations of the Planning Board Draft Rock Spring Master Plan. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5957&meta_id=140953.



Bill 10-17, Recordation Tax – Rates—Amendments

On July 13 at 9:30 a.m. the Government Operations and Fiscal Policy (GO) Committee will review Bill 10-17. Councilmember Elrich is the lead sponsor. The staff report will be available on July 11. Bill 10-17 would modify the recordation tax rates levied under State law for certain transactions.

- The “Recordation Tax Premium” went into effect in 2008. Bill 15-16, enacted on May 18, 2016, increased the Premium rate from \$1.55 to \$2.30/\$500. Unlike the two elements of the base rate paid on all transactions, the Premium applies only to the cost of a property or a refinancing that is more than \$500,000. Half of the proceeds from the Premium are allocated to County Government capital projects and the other half is for rental assistance for low and moderate income households.
- Bill 10-17 would reduce the Premium for transactions that are more than \$500,000 but less than \$1million from \$2.30 to \$1.55/\$500. The Bill would increase the Premium for transactions that are more than \$1 million but less than \$2 million from \$2.30 to \$2.55/\$500. Bill 10-17 would also increase the Premium for transactions that are more than \$2 million from \$2.30 to \$3.55/\$500.
- Councilmember Elrich believes that this approach is a more progressive way to impose the recordation tax and that the rate changes would be revenue neutral.



Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Creation of the South Overlea Drive Special Sewer Service Area and associated category changes

On July 13 at 9:30 a.m. the Transportation, Infrastructure, Energy & Environment (T&E) Committee will review the creation of the South Overlea Drive Special Sewer Service Area and associated category changes. The staff report will be available on July 11.

- On April 27 the Executive transmitted his recommendation to create a special sewer service area along Overlea Drive in the Glen Hills area of Potomac. In total, 24 lots were reviewed.
- The recommended special sewer service area includes 16 of the lots reviewed of which 13 are recommended for sewer category changes from S-6 to S-3 (restricted to single sewer hookups only). Three others already have S-1 or S-3 designations. Two other properties not in the special sewer service area are recommended for category S-1 corrections since they have existing sewer service. The requests and recommendations will be summarized in the Council staff report.



Executive Regulation 6-17, Childcare Regulations for Before and After School Childcare Programs in Public Schools

On July 13 at 2 p.m. the Health and Human Services (HHS) and Education (ED) Committees will meet jointly to review Executive Regulation 6-17. The staff report will be available on July 11. The proposed regulation implements Resolution No. 19-13, which was adopted by the Board of Education of Montgomery County on January 8, 2013. Resolution No. 19-13 delegates the authority to schedule the before and after school child care programs in Montgomery County Public School facilities to the Interagency Coordinating Board for the Community Use of Public Facilities.



School to Prison Pipeline

The Committees also will continue to review issues associated with OLO Report 2016-6 on the School to Prison Pipeline. The staff report will be available on July 11. The full report can be viewed at:

<http://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf>.

The School-to-Prison Pipeline refers to the increased risk of juvenile delinquency and criminal justice system involvement among children who have been suspended or expelled from school. Nationally the criminalization of minor school-based infractions and the over-representation of youth of color and students with disabilities are key features of the School-to-Prison Pipeline.

- The School-to-Prison Pipeline in the County mirrors national trends in disproportionality by race, ethnicity, gender, and special education status, but the Pipeline is shrinking.
- While many local agency practices align with best practices for stemming for the School-to-Prison Pipeline, opportunities exist for improving local practices that include engaging community stakeholders and improving data systems to track performance outcomes and to support program improvements.